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March 4, 2004

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth St., N.W.  
Washington, D.C. 20554

**Re: AT&T Petition for Declaratory Ruling that AT&T's  
Phone-to-Phone IP Telephony Services Are Exempt From  
Access Charges, WC Docket No. 02-361**

Dear Ms. Dortch:

On behalf of WilTel Communications Group, Inc. ("WilTel"), Blaine Gilles (Vice President of Strategic Marketing and Regulatory Affairs), Adam Kupetsky (Director of Regulatory/Regulatory Counsel), and my colleague Peter Rohrbach and I made separate *ex parte* presentations yesterday to the following individuals: (1) Christopher Libertelli, Senior Legal Advisor to Chairman Powell, and Trey Hanbury, Special Counsel, Office of General Counsel; (2) Matthew Brill, Senior Legal Advisor to Commissioner Abernathy; (3) Dan Gonzalez, Senior Legal Advisor to Commissioner Martin; and (4) Scott Bergmann, Legal Advisor to Commissioner Adelstein.

Today, Peter Rohrbach and I made an *ex parte* presentation to Jessica Rosenworcel, Legal Advisor to Commissioner Copps; and Adam Kupetsky and I made a presentation to the following members of the Wireline Competition Bureau staff: Jeffrey Carlisle (Deputy Bureau Chief), Tamara Preiss (Chief, Pricing Policy Division), Paul Garnett, Jennifer McKee, and Robert Tanner.

The attached materials summarize the content of the presentations. If you have any questions, please contact me.

**HOGAN & HARTSON L.L.P.**

Marlene H. Dortch  
December 3, 2003  
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Respectfully submitted,

A handwritten signature in black ink, reading "David Sieradzki". The signature is written in a cursive, flowing style.

David L. Sieradzki  
Counsel for WilTel Communications Group,  
Inc.

cc: Staff members listed above



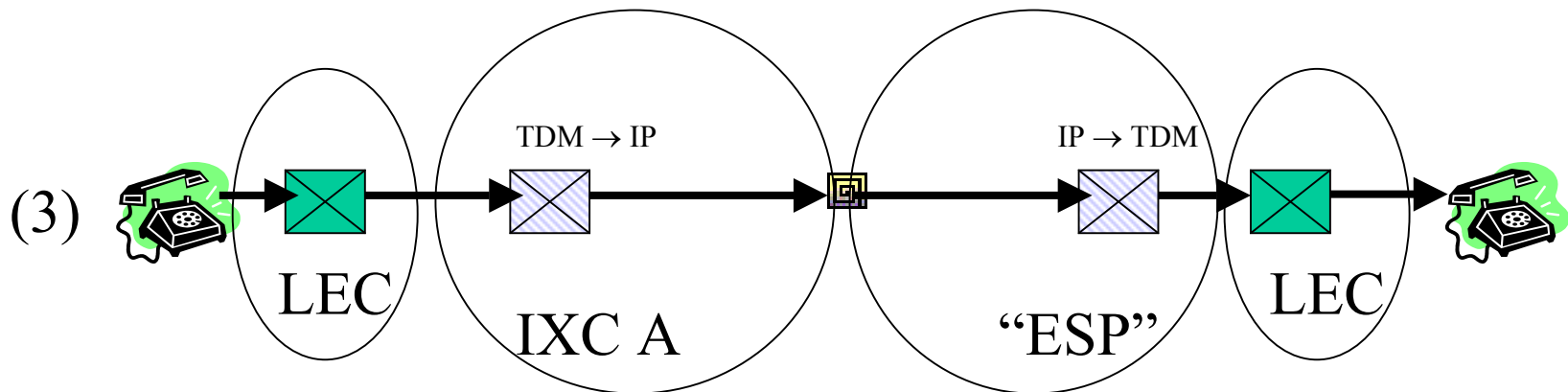
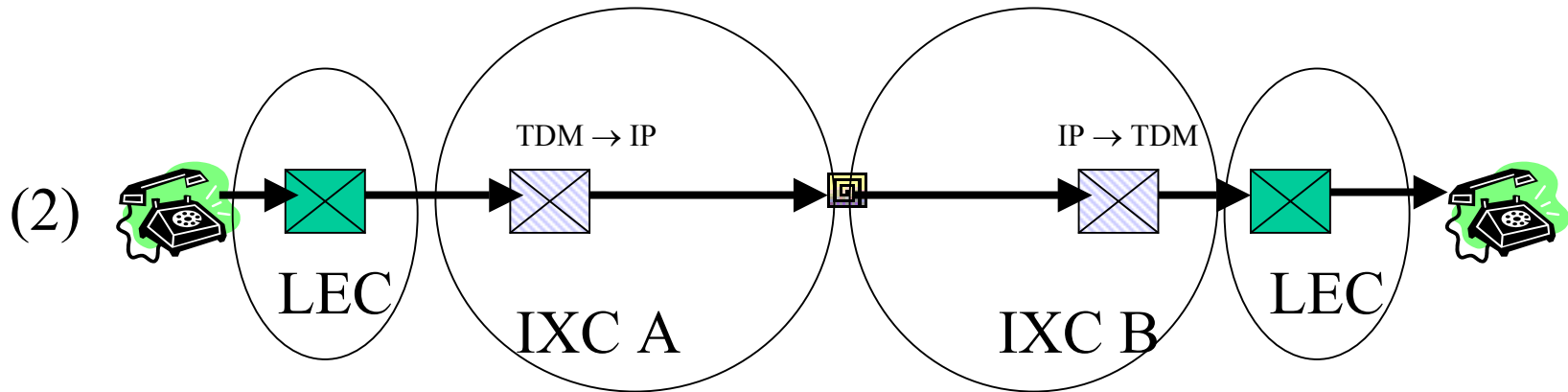
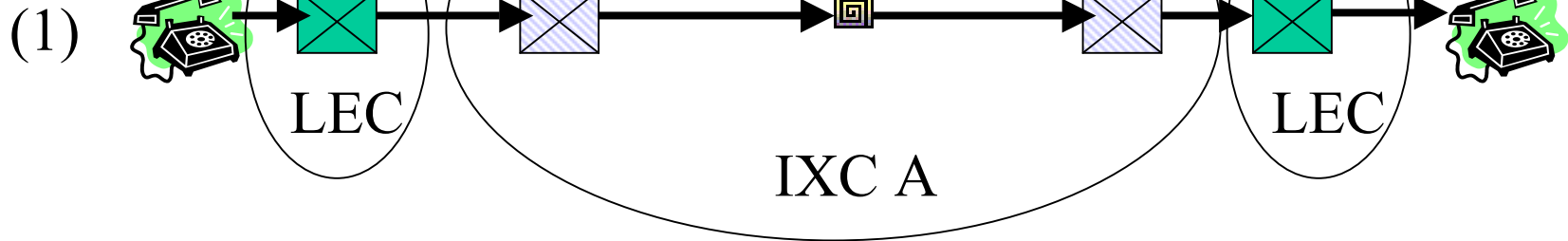
# The FCC Must Fully Resolve the AT&T VoIP Petition

March 3, 2004



# THE “AT&T” QUESTION

- Do access charges apply when IP Transport is used in the transmission of voice calls originating and terminating over the PSTN:
  1. When IP transport is all in one company’s network?
  2. When IP transport is in two interconnecting company networks?
  3. When one of those companies says that it is an “ESP” based on the IP transport?





# THE CURRENT MARKET REALITY

- If the FCC does not expressly answer each of these three questions, companies will treat the silence as confirmation that access does not apply for now.
- The market already is showing that companies will reconfigure networks to avoid access charges now.



# THE NECESSARY ACTION

- Resolve the AT&T Petition fully, not incompletely -- otherwise....
  - Access disputes and discrimination problems will escalate further.
  - Investment incentives will be distorted.
  - Public policies supported by access will be jeopardized

Bottom Line: If the FCC fails to answer the AT&T Petition fully, companies will compete based on the amount of legal risk and potential liability they are willing to assume, rather than on the true cost and quality of their services.